IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

JODI LYNN EBY, Individually and as Administrator of the Estate of ROBERT EBY, JR. Deceased, TYSON EBY and LANDON EBY, Plaintiffs, vs. MANNESMANN DEMATIC CORPORATION, SMS DEMAG AG, MANNESMANN AG, MANNESMANN DEMAG KRAUSS-MAFFEI GmbH, MANNESMANN DEMAG KRAUSS-MAFFEI AG, MANNESMANN DEMAG AG, MANNESMANN DEMAG HUTTENTECHNIK GmbH, MANNESMANN DAMG SACK GmbH, MANNESMANN DEMAG METALLGEWINNUNG GmbH, MANNESMANN DEMAG METALLURGIE GmbH, DEMAG CRANES & COMPONENTS CORP., formerly known as MANNESMANN DEMAG CORPORATION and MANNESMANN DEMATIC CORPORATION, Defendants.	No. 3:10-cv-00032-SMR-RAW **ORDER OF DISMISSAL OF DEFENDANTS**

Plaintiffs filed a Stipulation and Request for Order of Dismissal with Prejudice of Defendants [206]. Pursuant to Federal Rule of Civil Procedure 41(a)(2), the Court dismisses **with prejudice** all claims as to defendants Mannesmann Demag Krauss-Maffei GmbH and Demag Cranes & Components Corp. in this litigation, with each party to bear his/her or its own costs of the action, including attorneys' fees.

Pursuant to Federal Rule of Civil Procedure 41(a)(2), the Court also converts the Stipulation of Dismissal of Mannesmann Demag Corporation (Delaware), SMS Demag a/k/a SMS Demag Inc., and SMS Demag LLC n/k/a SMS Siemag LLC [185] from a without prejudice to a **with prejudice** dismissal.

The Court notes that nine additional defendants remain on the docket in this case, but have not filed an Answer, nor has any attorney appeared to have entered an appearance on their behalf. These are: Mannesmann Dematic Corporation, SMS Demag AG, Mannesmann AG, Mannesmann Demag Krauss-Maffei AG, Mannesmann Demag AG, Mannesmann Demag Huttentechnik GmbH, Mannesmann Demag Sack GmbH, Mannesmann Demag Metallgewinnung GmbH, and Mannesmann Demag Metallurgie GmbH. Plaintiffs' Notice of Settlement [202] states that this case has been settled, subject to approval in probate proceedings. Therefore, pursuant to Federal Rule of Civil Procedure 41(a)(2), these nine defendants are dismissed without prejudice.

Lastly, the Court notes that defendants KCI Konecranes ABP, Kone Corporation, Konecranes PLC, and Raytheon Company were omitted from the Third Amended Complaint [160]. The Court treats these four defendants as having been dismissed voluntarily prior to answering pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

By plaintiffs' tendering this Stipulation and Request for Order of Dismissal [206], the Court assumes that this case has been approved in probate proceedings in the Iowa District Court.

All claims in this action have been terminated, and the Clerk may now close the case.

IT IS SO ORDERED.

Dated this 28th day of January, 2013.

STEPHANIE M. ROSE
UNITED STATES DISTRICT JUDGE